

Buchanan Ingersoll & Rooney PC
Attorneys & Government Relations Professionals

Jennifer M. Becnel-Guzzo
302 552 4208
jennifer.becnelguzzo@bipc.com

The Brandywine Building
1000 West Street, Suite 1410
Wilmington, DE 19801-1054
T 302 552 4200
F 302 552 4295
www.buchananingersoll.com

May 29, 2007

VIA CM/ECF

The Honorable Gregory M. Sleet
United States District Court
844 North King Street, Lock Box 19
Wilmington, DE 19801

Re: *Nieves v. Acme Markets, Inc.*, Case No. 06-123 (GMS)

Your Honor:

Today is the deadline imposed by the Court's July 18, 2006 Scheduling Order for the parties to submit the proposed Pre-Trial Order and related filings. In light of the Court's May 24, 2007 Order granting Plaintiffs' counsel's motion to withdraw, Defendant Acme Markets, Inc. ("Acme") is filing the attached Pretrial Order which was negotiated with Plaintiffs' counsel prior to his withdrawal from the case. Acme is also filing its Pretrial Brief, Proposed Voir Dire, Proposed Jury Instructions and Proposed Verdict Form.

In addition, and as required by the Court's Scheduling Order, we exchanged with Plaintiffs' former counsel the Opening and Answering Briefs with respect to Acme's Motion in Limine and intended to submit these briefs simultaneously with the proposed Pre-Trial Order. Acme is therefore filing its Motion in Limine and Opening Brief in support thereof. However, because Plaintiffs' counsel is no longer associated with the case, Acme did not want to appear presumptuous by filing the Answering Brief prepared by him. Acme is in possession of that Answering Brief and will be pleased to submit it should the Court or Plaintiffs so desire.

Should Your Honor have any questions, I am available at the Court's convenience.

Respectfully submitted,



Jennifer M. Becnel-Guzzo (#4492)

JMB/psr
cc: Gloria Nieves
Emilio Nieves